Exhibit A

Congress of the United States
Washington, DC 20515

July 13, 2018

The Honorable Alexander M. Azar II
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20001

Dear Secretary Azar:

As Members of Congress, many of whom recently visited immigration facilities and child migrant shelters in South Texas and other states, we write with grave concerns regarding the use of DNA testing by the Administration to reunite immigrant families.

Despite rightful and reasonable assertions by attorneys and immigrant advocates that legal counsel and translators are the resources most needed to reunite separated families, recent reports indicate that the Department of Health and Human Services (HHS) claims it is using DNA testing to meet deadlines for reunification imposed by federal courts. In order to ensure that the rights of these immigrants – many of them asylum seekers fleeing oppressive governments and extreme violence – are protected, we request that you respond to the following questions by July 20, 2018:

1) Upon what specific statutory or regulatory authority are you relying for carrying out the DNA testing for family reunification of the individuals separated by the Administration? What auditing and compliance mechanisms does HHS have in place to ensure that the testing is in accordance with applicable laws and policies?

2) What laboratory or laboratories is/are HHS working with to conduct DNA testing? What types of genetic markers (e.g., STRs or SNPs) are the laboratories testing for? Are the laboratories using the CODIS STR panel to generate DNA fingerprints? If so, are these DNA fingerprints shared with the FBI and used to conduct background checks by comparing them with crime scene and offender databases? Is a second DNA sample taken for CODIS?

3) Is the Office of Refugee Resettlement (ORR) under the Administration for Children and Families (ACF) in charge of the DNA testing? If not, which office and program is in charge of this process? Is ORR receiving the DNA test reports from the laboratories conducting the testing? Who else is receiving the DNA test reports?

4) What consent protocols are in place for obtaining DNA samples, including protocols for minors and others who are not able to give consent? Is HHS using the least invasive DNA testing possible?

5) Is the genetic material, data, and information obtained being fully destroyed after testing and the probability of a genetic relationship is calculated or within 7 days if that is sooner? If not, what genetic material, data, or information is being stored, where is it being stored, for how long is it being stored, and what procedures are in place to protect the privacy of these individuals?

    a. Specifically, what genetic information is given by the contracted laboratory to HHS (or any other governmental agency)? For example, does the laboratory return genetic information to HHS or simply provide an indication of whether a genetic relative has been located through the DNA testing and the identities of those relatives to enable the reunification process?

    b. What is the processing time from confirmation of a genetic relationship to reunification of the relatives?

    c. Is HHS issuing a privacy impact assessment (PIA)?

6) How are the DNA test results interpreted? Specifically, how are the results that indicate a probability of relationship lower than 99.5 percent handled? Are other types of evidence considered to support a familial relationship? What happens if a DNA test indicates a possible familial relationship that is more distant than a parental tie? What happens to an individual's genetic material and data if no relationship is supported by the DNA test results?

    a. What steps is HHS taking to ensure the safety and well-being of women and children if instances of non-paternity are uncovered during this DNA testing program?

    b. What procedures are being used to reunite family members who cannot support their claims of relationship with DNA tests?

7) Is HHS using the genetic material, data, or information for any purpose other than family reunification? Is HHS or the laboratory performing the tests allowing other agencies to access the genetic material, data, or information, such as (but not limited to) the Department of Justice (DOJ), the Department of Homeland Security (DHS), or the Department of State? If so, which agencies is HHS sharing the information with, and what is being shared?

    a. Has any genetic material, data, or information obtained by HHS been used by DOJ, DHS, or any other law enforcement agency for criminal investigation or immigration enforcement other than border crossing?

    b. What (if any) specific memorandum of understanding or data transfer agreements does HHS have in place for this DNA testing program? If so, please provide copies of the MOUs.

8) What costs are being incurred by the U.S. Government to conduct the DNA testing, and how and from which agency's budget are those costs being covered? Is the U.S. Government requiring any immigrants to pay for the DNA testing themselves?

We continue to have serious concerns regarding the Administration's use of DNA testing to reunite immigrant families, especially in light of the lack of transparency surrounding the

process. As part of our Congressional oversight responsibilities, it is critical that we understand how HHS is complying with federal court orders to reunite families separated by the Administration, while also protecting their privacy rights.

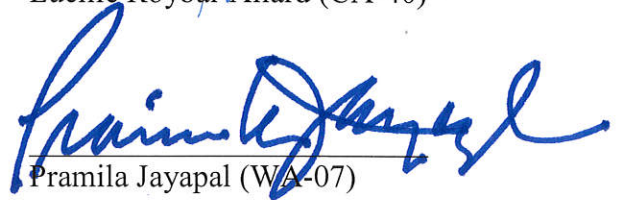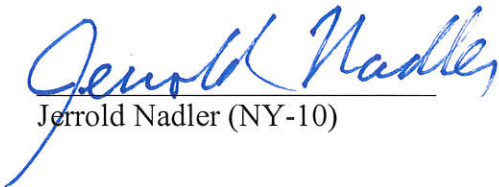Thank you for your prompt response.

Sincerely,
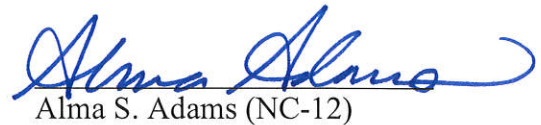
Jackie Speier (CA-14)

Lois Frankel (FL-21)

Jerrold Nadler (NY-10)

Nanette Diaz Barragán (CA-44)

Earl Blumenauer (OR-03)

Judy Chu (CA-27)

Yvette D. Clarke (NY-09)

Lucille Roybal-Allard (CA-40)

Pramila Jayapal (WA-07)

Alma S. Adams (NC-12)
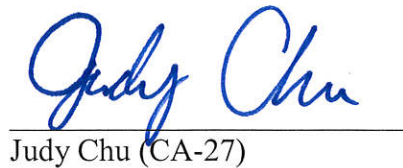
Karen Bass (CA-37)

Michael E. Capuano (MA-07)

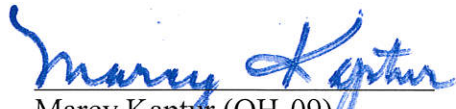Katherine M. Clark (MA-05)

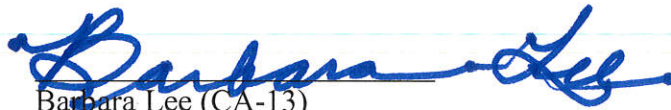J. Luis Correa (CA-46)

Diana DeGette (CO-01)

Mark DeSaulnier (CA-11)

Debbie Dingell (MI-12)

Bill Foster (IL-11)

Marcy Kaptur (OH-09)

Ruben J. Kihuen (NV-04)
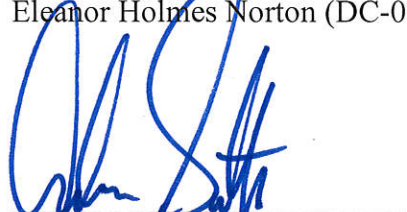
Barbara Lee (CA-13)

James P. McGovern (MA-02)

Jerry McNerney (CA-09)

Grace F. Napolitano (CA-32)

Eleanor Holmes Norton (DC-00)

Jimmy Panetta (CA-20)

Adam Smith (WA-09)

Marc A. Veasey (TX-33)

Bonnie Watson Coleman (NJ-12)